

III. REMARKS

Applicant has considered the Office Action with mailing date of Aug 15, 2006. Claims 1 – 21 are pending in this application. By this amendment, the abstract and claims 1, 8 and 15 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicant respectfully requests entry of this Amendment.

In the Office Action, the specification was objected to for informalities with respect to the Abstract. Claims 1, 8 and 15, and consequently claims 2 – 7, 10 – 14 and 16 – 21 are rejected under 35 USC 112, ¶1 as allegedly failing to comply with the written description requirement. Claims 8, 10 – 14 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1 – 8, 10 – 21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over “Java and Websphere Performance”, IBM Redbooks, February 2002, section Performance Explorer PEX, hereinafter “PEX-Feb 02” in view of “Collecting and Analyzing PEX Trace Profile Data”, IBM Rochester Lab, September 2002, hereinafter “PEX-Sep02” and further in view of U.S. Patent Publication No. 2003/0236992 A1, hereinafter “Yami”. Applicant disagrees with the Office’s interpretation of the claimed invention and submits the following reasons for the Office’s reconsideration.

A. OBJECTION TO SPECIFICATION

With regard to the Office's objection of the abstract on page 22 of the specification, Applicant has deleted the statement in the first line of the abstract "Under the present invention, an analysis criteria is provided." Applicant has amended the abstract such that the first statement recites, "An analysis criteria for identifying computer program components..." Applicant believes that the proposed amendments meet the requirement for an abstract. Accordingly, Applicant requests that the Office withdraw this rejection.

B. REJECTION OF CLAIMS 8 – 14 UNDER 35 U.S.C. §101

With regard to the Office's rejection of claims 8, 10 – 14 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter, Applicant submits that currently amended independent claim 8 recites, *inter alia*, "A computer implemented system for analyzing messages ..." which sets out a process, a statutory category, that involves some form of physical transformation within a computer system for providing the desired result in a practical application within the arts. MPEP §2106 IV B.2(b). As such, Applicant submits that the claimed invention is directed to statutory subject matter. Accordingly, Applicant respectfully requests that the Office withdraw the rejection. Consequently, Applicant also respectfully request the Office's withdrawal of the rejection to dependent claims 10 – 14.

C. REJECTION OF CLAIMS 1 – 21 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection of claims 1– 21, Applicant submits that the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 8 and 15, Applicant submits that PEX-Feb02 does not teach or

suggest the “message analysis criteria”, claim 1. On page 6 of current Office Action, the Office asserts that “member QAPEXDFN in library”, page 41: 24 – 26; “run one or more application transactions”, page 44: 11 – 13; and “OrderEntryBean.jar”, page 44: 25 – 29 in PEX-Feb 02 renders the claimed limitation of “...providing message analysis criteria...”, claim 1, obvious. According to page 41, 7 – 12 in PEX-Feb02, “PEX is a set of commands that come with OS/400...used for detailed performance data collection ...”. Specifically, PEX is but one of the “[p]erformance analysis tools” listed in Table 3–1 on page 19 of PEX-Feb02 for “...performance analysis...as it relates to the iSeries WebSphere Application Server environment”, page 15 of PEX-Feb02. However, PEX, is a performance analysis tool for analyzing the performance of a server directly with respect to aspects like: the extent of CPU use or number of disk I/O operations under any one of the three modes set out on page 41: 12 – 23. As such, PEX-Feb02 does not teach or suggest analyzing messages for an end user of a computer program.

Furthermore, the Office asserts on page 3 of the current Office Action that page 41: 12 – 17 in PEX-Feb02 discloses the claimed limitation of “designating desired information for at least one type of message”, claim 1. However, the cited “Statistical, Profile and Trace” on page 41: 12 – 17 in PEX-Feb02 are not “messages for an end user”, claim 1. Instead, these are “different modes” used to collect performance data, page 41:11. As such, the Office’s assertion is flawed. Therefore, PEX-Feb02 does not teach or suggest the claimed limitation of “designating desired information of at least one type of message”, claim 1.

In the same vein, the Office’s assertion that page 42:12 – 17 in PEX-Feb02 discloses the claimed limitation of “...identifying instances of the at least one type of message based on the analysis criteria...”, claim 1, is flawed. In view that the different modes of Statistical, Profile and Trace to collect performance data are not messages for an end user of a computer program, PEX

does not teach or suggest the claimed limitation.

In accordance with the arguments set out in the foregoing paragraphs, Applicant respectfully request that the Office withdraw the rejection and allow the independent claim 1.

Turning to the Office's assertion that PEX-Sep02 cures PEX-Feb02's deficiency of not explicitly disclosing "...the message analysis criteria identifies ... a predetermined time period...", claim 1, Applicant respectfully disagrees. Page 2: 3 – 4 in PEX-Sep02 states that "PEX functionality [may be used] to find out where the CPU time is being spent when running your application". This statement specifically indicates that the PEX is applied in ascertaining performance of the CPU time but not a predetermined time period "to identify specific messages", claim 1. In contrast, this claim limitation is for identifying messages for an end user of a computer program. As such, PEX-Sep02 does not cure this deficiency of PEX-Feb02. furthermore, PEX-Sep02 also does not cure the deficiencies of PEX-Feb02 set out in the foregoing paragraphs. Without curing the deficiencies, even if a person of ordinary skill were to modify PEX-Feb02 with PEX-Sep02, there would be no likelihood of success to arrive at the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw the rejection and allow the independent claim 1.

With respect to the Office's assertion that Yami cures the deficiency in combined teachings of PEX-Feb02 and PEX-Sep02, of not disclosing the claimed limitation of "designating desired information [which] includes a message quantity and an estimated line count for at least one type of message", claim 1, Applicant respectfully disagrees. Paragraphs [0030], [0045] and [0055] in Yami collectively disclose an administrator for setting values to configure a logger where information is written into a log file. From paragraph [0045] in Isono, "... lines ...are written in the log file...", however, lines written in a log file are not of a

“message for an end user”, claim 1. Instead the lines in Isono are information such as signature hash of previous log files or message authentication codes (MAC). Paragraph [0043] in Isono. To this extent, the lines in Yami are computer program codes and not equivalent to lines of “messages for an end user”. As such, Yami does not cure the deficiencies of PEX-Feb02 and PEX-Sep02 because Yami’s does not teach “an estimated line count for at least one type of message” of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw this rejection and allow the independent claim 1.

With respect to independent claims 8 and 15, Applicant reiterate the foregoing arguments and respectfully request that the Office withdraw the rejections and allow the claims.

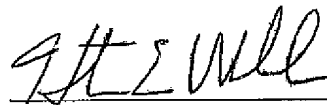
With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

V. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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Dated: 4/12/07

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